

Structure of the Convention Determines Outcome

Organisation of the Working Groups

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The Laeken Declaration has defined an objective that has been circumvented for decades in the process of European integration – the working out of a European constitution. The Convention on the Future of Europe is supposed to pave the way for this enterprise. Both the general debate about the fundamental aims of the Union and the debate on the allocation of tasks have illustrated that the Convention can only fulfil this role if it modifies and reorganises its working structures.

In order to deepen the discussions held up to now and to work out first documents, the Praesidium adopted a proposal to establish the following working groups:

- 1) *Economic governance*
Chairperson: Klaus Hänsch; work to be finished by October 2002,
- 2) *Incorporation of the Charter of Fundamental Rights into the Treaties*
Chairperson: Antonio Vitorino; work to be finished by the end of November,
- 3) *Legal personality of the European Union*
Chairperson: Giuliano Amato; work to be finished in November,
- 4) *Subsidiarity*
Chairperson: Inigo Mendez de Vigo; work to be finished by the end of September,
- 5) *Role of National Parliaments*
Chairperson: Gisela Stuart; work to be finished by October/November,
- 6) *Complementary competencies*
Chairperson: Henning Christophersen; work to be finished by the end of September.

Given the strict timeframe of the Convention – it has to complete its work by mid-2003 – the success of the consultations essentially depends on clearly defined working groups that are oriented towards achieving results.

The now proposed structure does not meet these very demands because

- all in all, it mixes substantial and structural questions, and,
- in addition, it holds the danger of unnecessary duplication.

Working groups 1 and 2 can clearly be delimited. However, with working groups 3 to 6, the question arises of whether the different areas can be divided at all. *Clear targeting is required.*

Every proposal for a structure will, ultimately, be unable to prevent thematic overlaps between the individual working groups. These could, however, better be dealt with if there was certainty regarding the objective of the groups' work.

The fact that additional working groups are to be established at a later stage does not leave much hope for a more appropriate solution either. On the contrary, this could even contribute to the risk of again undoing the consensus found in the working groups. The tight agenda of the Convention will, however, permit only few corrections.

With the structure just presented, the Praesidium of the Convention attempted to reflect the present state of the debate in the Convention through the foci of the individual working groups. This was also supposed to preclude the impression that the Praesidium anticipates the outcome of the overall consultations.

However, rather than enacting an organisation structured along the lines of the first impressions of the discussion, altogether nine working groups ought to be established on the basis of a *document which defines the constituent elements of a Basic or Constitutional Treaty*:

- I Charter of Fundamental Rights and objectives of the EU*
- incorporation of the Charter of Fundamental Rights into the Treaties,
 - reorganisation of the Treaties,
 - rights and duties of Union citizenship,
 - deliberations to formulate a preamble for a Basic / Constitutional Treaty.
- II Legal personality of the EU*
- III Balance in the multi-level system of the Union*
- relationship Union – Member States – regions,
 - rules and mechanisms for the application and control of the principle of subsidiarity.
- IV Distribution of tasks*
- for example as proposed in Convention Spotlight I/2002, i.e. along the categories of constitutional fields, exclusive policies, joint policies, complementary policies and coordinated fields.
- V Common Foreign and Security Policy*
- stating European competencies more precisely,
 - making decision-making procedures more efficient.
- VI Justice and Home Affairs*
- stating European competencies more precisely (including Schengen).
- VII Necessary institutional reforms*
- Subworking groups on
- strengthening of the European Parliament,
 - working mode of the Council,
 - role of the Commission,
 - role of the national parliaments.

After three months, the four subordinated working groups will be drawn together into one working group which could work out a synopsis entitled “How to make institutional interaction on the European level more efficient.”

VIII Legislation and procedures / Treaty amendment procedures

IX Economic and financial constitution

Compared to the proposal presented by the Praesidium, this structure has the following advantages:

- The structure of the working groups follows from the envisaged result, i.e. a document which prepares the path for a Constitutional or Basic Treaty. This is the only way to guarantee that there will be a coherent text at the end of the consultations in the Convention, which the ensuing Intergovernmental Conference can be based on.
- The broad consensus in the plenary of the Convention to reinforce the role of the EU in the field of foreign and security policy as well as justice and home affairs is taken into account.
- All working groups could take up and end their work at the same time (beginning of June 2002 and end of October / beginning of November 2002) in order to guarantee consistency and transparency in the Convention itself as well as to the outside.
- Nevertheless, the model offers the flexibility to establish additional working groups or subordinated working groups if specific new important issues arise in the consultations.
- A workable format would be chosen. Assuming that 207 members of the Convention will be engaged in working groups (apart from the 105 members of the Convention, the alternate members will also make use of their right of equal participation), each group would consist of 20 to 25 members.

Currently, the working groups are to be established under the direction of individual members of the Praesidium. Since the accession states are now also represented in this body by a delegate with guest status, making Alojz Peterle chairman of one working group seems to be recommendable. This would be an important signal to the accession states and give proof that they are involved in all decisive proceedings of the Convention.

Expectations on the reform programme to be presented by the Convention within hardly a year are high. It is, therefore, all the more important to enact a stringent working structure right from the start. This must be based on broad consensus in the plenary of the Convention, for the working groups, which produce the individual substantial elements, are of central importance when it comes to working out the final document.

For the first time since its establishment, the Convention has reached a decisive conceptual crossroads. Not only is the working method chosen at its centre but also the decision on the structure and contents of work. The result of the specific working groups can only be as good as the precise definition of their task. If the approach chosen is arbitrary rather than being based on a clear objective, this will also be reflected in the result. The Convention can only convince the heads of state and governments in the ensuing Intergovernmental Conference with its proposals if it presents a homogeneous and coherently structured concept.